MANATEE COUNTY GOVERNMENT SOURCE SELECTION

SUBJECT	Authorization to award Improvements at the Master Lift Station 41-A, Bradenton, FL	DATE POSTED	March 12, 2009 Date Posted on mymanatee.org 3/12/09 By: CK
PURCHASING REPRESENTATIVE	Olga Valcich, Ext. 7527	DATE CONTRACT SHALL BE AWARDED	March 19, 2009
DEPARTMENT	Financial Management Dept./Purchasing Div.	CONSEQUENCES IF DEFERRED	N/A . W
SOURCE RECOMMENDATION	Westra Construction, Inc.	AUTHORIZED BY DATE	R.C. "Rob" Cuthbert, CPM, CPPO March 12, 2009

ACTION DESIRED

Authorization to award IFB#09-0192-OV, Improvements at the Master Lift Station 41-A, Bradenton, FL to the lowest responsive, responsible bidder meeting all aspects of the terms and conditions, and specifications to Westra Construction, Inc., Palmetto, FL for a total base bid of \$437,500.00 (Option "B"- 365 calendar days); and a subsequent execution of contract, and acceptance of insurance.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy.)

Ordinance 08-43, Purchasing Code Article 4E(2)

BACKGROUND/DISCUSSION

- The project involves various improvements at the Master Lift Station, 41-A in Bradenton, FL
- Background / discussion continued on page 2
- Funding Source: Utility Rates

SUMMARY

COMMENTS

N/A

ATTACHMENTS: (List in order as **INSTRUCTIONS TO BOARD RECORDS:** attached) Department Memorandum dated March 3, 2009 Bid Tabulation 02/25/09 Correspondence Walter Sowa to Bruce Simington 03/19/03 Correspondence to Dejonge Excavating Contractors, Inc., from Project Management N/A 4046066480-534000-6066480-0004 COST \$437,500.00 SOURCE (ACCT# & NAME) AMT./FREQ. OF RECURRING COSTS

(ATTACH FISCAL IMPACT STATEMENT)

N/A

Source Selection IFB 09-0192-OV Improvements at the Master Lift Station 41-A, Bradenton, FL Page 2

- The work included in this project consists of various improvements at the Master Lift Station 41-A. Installation of a new emergency generator with exhaust silencer, sound attenuated enclosure, automatic transfer switch, main circuit breakers and electrical controls. The generator controls will be connected to the existing SCADA system. Installation of a new pump control panel to replace the existing panel, installation of a new flow meter and pressure transducer, installation of a new onsite feeder sewer to eliminate the drop connection into the existing wet well, new backflow preventer/meter assembly/potable water piping and new yard lighting along with bypass pumping, as necessary to perform the work.
- 11/25/2008 through 1/8/2009 appropriate bid procedures were followed. Notice of Bid availability was broadcast to six hundred (600) suppliers via Onvia DemandStar. Seventy-nine (79) bidders obtained copies of the bid. Of the seventy-nine (79) bidders who obtained copies of the bid, five (5) firms were from Manatee County and the balance of the firms were from within the State of Florida.
- Nine (9) actual bids were received. Two (2) from Manatee County and seven (7) from within the State of Florida.

Listed are the bids received in ascending dollar value:

Base Bid "A"	Base Bid "B "
1. KBHS, Inc., Hudson, FL \$392,766.61	\$392,766.61
2. DeJonge Excavating Contractors, Inc., Venice, FL \$415,427.00	\$415,427.00
3. Westra Construction, Inc., Palmetto, FL \$437,500.00	\$437,500.00
4. Kuxhausen Construction, Inc., Sarasota, FL \$489,240.00	\$489,240.00
5. TLC Diversified, Inc., Palmetto, FL \$494,500.00	\$494,500.00
6. Wright Construction Group, Ft. Myers, FL \$569,660.00	\$569,660.00
7. US Water Services, Inc., New Port Richey, FL \$688,760.00	No Bid
8. H.A. Contracting Corporation, Miami, FL \$855,000.00	\$845,000.00
9. Beach Construction, Inc., Gainesville, FL \$909,700.00	\$909,700.00

Although KBHS, Inc. (Ken's Bush Hog) was the apparent low bidder, KBHS has not provided proof of a Florida General Contractor's License in its own name. KBHS is registered with the State of Florida as a corporation; however, the Florida Department of Business and Professional Regulation's website confirms that KBHS, Inc. and the principal holder of the General Contractor's License, Fraize, Donald Frederick, Marolf Environmental, Inc. (DBA name) do not hold a General Contractor's License bound to KBHS, Inc. Reference Florida Statue 489.521 Business organizations; qualifying agents: Section (2) (a)1. states "A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that shall be qualified in accordance with board rules. The registration or certification, when issued upon application of a business organization, shall be in the name of the qualifying agent, and the name of the business organization shall be noted hereon."

March 12, 2009

Source Selection IFB 09-0192-OV Improvements at the Master Lift Station 41-A, Bradenton, FL Page 3

Dejonge Excavating Contractors, Inc., the second low bidder. Dejonge Excavating Contractors, Inc. is proving to be a <u>Non-Responsible Contractor</u>. Staff has advised that DeJonge Excavating Contractors, Inc. failed to respond accurately to Question 7 of Section 00430, Contractor's Questionnaire, which directly asks the Contractor if the Contractor has ever failed to complete awarded work. DeJonge responded with a "No" reply. Staff has advised that on March 11, 2003, DeJonge Excavating Contractors, Inc. demobilized their construction crew without completing the contract work on the Northwest Loop Area Utility Main Improvements Project (Manatee County Project #60022).

Staff has recently discovered (2/13/2009), through a routine reference check that DeJonge Excavating is currently working on two projects for Sarasota County, one being a utility pump station and a storm water pipe reline project. Both projects are significantly behind schedule.

- Letter dated February 25, 2009 from Project Manager Walter Sowa to Bruce Simington, Project Management Division Manager detailing the Sarasota County issue.
- Letter dated March 19, 2003 from Project Management to DeJonge Excavating Contractors regarding the demobilization of the project.

Based on the above information, Project Management Staff is recommending that the above project be awarded to the lowest responsive, responsible bidder, Westra Construction, Inc., Palmetto, FL in the amount of \$437,500.00.

- Westra is 11.4% higher than pricing received from KBHS, Inc., and 5.3% higher than pricing received from Dejonge Excavating Contractors, Inc.
- Funding Source for this project: Utility Rates

MEMORANDUM

PUBLIC WORKS DEPARTMENT

Project Management Division 1022 26th Avenue E. Bradenton, FL 34208



Phone: 941-708-7450 Fax: 941-708-7549 www.mymanatee.org

To:

R.C. "Rob" Cuthbert, C.P.M., Purchasing Manager

From:

Timothy A. Hochuli, P.E., Deputy Director, Project Management

3/4/09

Date:

March 3, 2009

Subject:

Lift Station - Satellite 41A - Rehab

Westra Construction, Inc.

Recommendation for Award - IFB #09-01920V

The bids for the above referenced project have been reviewed by staff. The bid tabulation form is attached for your review. It is recommended that the contract Bid "B" be awarded to the lowest responsive, responsible bidder, Westra Construction, Inc. in the amount of \$437,500.00 and in accordance with the terms and conditions of the bid package. The funding source for this contract is Utility Rates.

Please be advised that KBHS, Inc. (Ken's Bush Hog Service, Inc.), the apparent low bidder at \$392,766.61 has not tendered proof of a Florida General Contractor's License in its name - a condition of the bid documents. Therefore, it has been deemed an unresponsive bidder by Manatee County Project Management.

Furthermore be advised that DeJonge Excavating Contractors, Inc, the second apparent low bidder at \$415,427.00 for both bids "A" and "B", answered Question 7 in the Contractor's Questionnaire submitted with the bid form with a "No" response. The question asks "Have you ever failed to complete work awarded to you?" DeJonge has actually failed to complete work awarded to them by Manatee County (Northwest Loop Utility Improvements Project - Manatee County Project # 60022), and was removed from the project prior to completion of their portion of the work. DeJonge Excavating Contractors, Inc. has therefore been deemed an unresponsive bidder by Manatee County Project Management. In addition, attached is a memorandum prepared during the bid review of a previous project which describes a reference for DeJonge. The description provided by this reference echoes Manatee County's experience in working with DeJonge.

Please contact Chuck Froman if you have any questions regarding the attached documents.

Thank you for your continued assistance.

Cc: Daniel T. Gray, Director, Utilities

Ron Schulhofer, Director, Public Works

Bruce Simington, Project Management Division Manager

Chuck Froman, Project Manager

Marlene Marlatt, Administrative Coordinator II

Project File: 6066480 9.2

URS

February 3, 2009

Mr. Chuck Froman Project Manager Manatee County Government 1022 26th Avenue East Bradenton, Florida 34208

RE:

Manatee County, Florida

Improvements at Master Lift Station 41-A Bid Tabulation and Review, IFB # 09-0192OV

Dear Mr. Froman:

Bids for the above reference project were received on January 8, 2009. A total of nine (9) contractors bid on this project. Bids ranged from a high of \$909,700.00 (submitted by Beach Construction Company, Inc.) to a low of \$392,766.61 (submitted by KBHS, Inc.) as shown on the attached bid tabulation. Eight (8) of the bid proposals included bid bonds and other documentation required by Manatee County. KBHS, Inc. included a certified check in the amount of 5 percent of their bid in lieu of a bid bond. US Water Services, Inc. did not bid on Bid "B". Per the County's bid opening practice, each contractor was to provide two base bids, "A" and "B". Base Bid "A" is for a completion time of 270 Calendar Days and Base Bid B is for a completion time of 365 Calendar Days. The order of the six (6) lowest bids did not change for both the "A" and "B" bids.

URS Corporation has reviewed the bid submittals. The Florida Department of Business and Professional Regulation's website was used to determine the status of the low bidder's license. KBHS, Inc.'s listed Florida contractor license number, CGC1511379, is current / active and registered with the State of Florida. However, the certified general contractor's license, CGC1511379, is held by Donald Fraize, President of Marolf Environmental, Inc. No complaints are on file under this license number. According to John Wittenzellner's (President of KBHS, Inc.) email dated January 29, 2009, KBHS, Inc. is partnering with Marolf Environmental, Inc. on this project. References were not provided in the bid submittal supplied by the low bidder. At the County's request, KBHS, Inc. submitted references all of which were favorable. KBHS, Inc. is registered as a corporation with the State of Florida.

Based upon the information provided with each bid, and in consideration of the terms and conditions set forth in the contract documents, URS recommends the award of this contract to KBHS, Inc. provided the business arrangement with Marolf Environmental, Inc. is acceptable to the County.

Please call me if you have any questions.

Sincerely,

URS Corporation Southern

Craig P. Osmanski, P.E. Water/Wastewater Group

Enclosure

Cc: Olga Valcich, Manatee County

Bid Tabulation

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CRIPTION KBHS, Inc. Construction Excavating Excavating Construction, Inc. Construct	809,700.00	760,000.00	548,760.00	395,955.00	412,000.00	379,240.00	318,500.00		328,766.61	Mechanical / Structural / Electrical Work	2
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Prepared By: Craig P. Osmanski, P.E. 'FL 048961

09-01920V TABULATION IMPROVEMENTS AT MASTER LIFT STATION 41-A

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1-4-09

PAGE 2 OF 2

09-01920V TABULATION IMPROVEMENTS AT MASTER LIFT STATION 41-A

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MEMORANDUM

PUBLIC WORKS DEPARTMENT

Project Management Division 1022 26th Avenue E. Bradenton, FL 34208



Phone: 941-708-7450 Fax: 941-708-7549 www.mymanatee.org

To:

Bruce Simington, Project Management Division Manager

From:

Walter Sowa, III, Project Manager

Date:

February 25, 2009

Subject:

Due Diligence and Reference - Master Meter Replacement for DeSoto Village Apts.,

Floridana & Orban's Nursery - IFB#08-3873OV

During a routine reference check for DeJonge Excavation Contractors, a review was provided for them by Mr. John Chapman, Construction Services Manager for Sarasota County (941-861-0570). I spoke with him on February 13, 2009. Although he prefaced his comments by stating that he was neither endorsing nor denigrating DeJonge, the current state of affairs of DeJonge and Sarasota County as related by Mr. Chapman raises serious issues about DeJonge's capacity to perform work for Manatee County. Below is a summary of DeJonge's situation in Sarasota County:

- 1. DeJonge currently has two projects under construction for Sarasota County, a utility pump station and a storm water pipe reline project. Both are behind schedule. The pump station is currently 32 days late and counting, and the storm water pipe reline is more than 90 days late and counting. With regards to the storm water pipe reline, it is a 3000' relining project and at this point only installed 30' has been installed (and the 30 feet installed has not been approved yet).
- 2. Neither project has had a change order issued for it yet; however, funds from the discretionary account have been spent on both projects.
- 3. The utility pump station project has had an inordinate number of RFI's so far 119 and counting.
- 4. With both projects in the liquidated damages phase, Sarasota County has notified DeJonge's bonding company, and actually had a meeting set up with DeJonge and the bonding company on February 13, 2009 to discuss how the projects were going to get completed. I do not know the outcome of the meeting. The option of having the bonding company complete the projects was not removed as an option, though.

A copy of this memo will be placed in the project file for future reference for this project.

Thank you

CC:

Daniel T. Gray, Director, Utilities

Tim Hochuli, P.E., Deputy Director, Project Management

Ron Schulhofer, Director, Public Works

Marlene Marlatt, Administrative Coordinator II

Project File: 0019606 1.1



MANATEE COUNTY GOVERNMENT

Project Management Department

March 19, 2003

BY FACSIMILE AND US MAIL

Ms. Eileen DeJonge, President DeJonge Excavating Contractors, Incorporated P.O. Box 743 Venice, Florida 34284-0743

Re:

Northwest Loop Area Utility Main Improvements

Manatee County

Dear Ms. DeJonge:

It is our understanding that you have completed the transfer of materials that are being purchased by Manatee County to the County's storage yard. We also understand that as of March 11, 2003 you elected to demobilize your construction crews, which was very unusual given that your contract work was not complete.

As you are aware, the Contract completion date was March 18, 2003 for completion of all work. Because your crews are no longer actively working to complete the project, Manatee County is hereby notifying you that the work remaining will be completed by other means. We do not wish to continue inconveniencing the community by extending this project any further. Completion of the job by others has already begun, and it will be completed in the very near future.

We are preparing a Final Change Order to address adjustment of completed quantities of work and to resolve any currently outstanding items. We will forward you a draft of this Change Order so all quantities can be verified and the Change Order finalized.

Your assistance in quickly reviewing this final Change Order will be appreciated, so that we can close this project as quickly as possible.

Sincerely,

Janet E. McAfee

Director, Project Management

Sant E. Mc you

cc: Mike Limoge, Senior Project Manager Terri Holcomb, P.E., Greeley & Hansen Street Lee, P.E., McKim & Creed

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